

Di-az et al v. Tesla, Inc. et al
U.S. District Court for the Northern District of California
Case No. 17-cv-06748-WHO

EXHIBIT 3

OWEN ORAPIO DIAZ, JR. VOLUME III
DIAZ vs TESLA, INC.

June 21, 2019
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1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3
4 DEMETRIC DIAZ, OWEN DIAZ,) Case No. 3:17-CV-06748-WHO
and LAMAR PATTERSON,)

5)
6 Plaintiffs,)

7 vs.)

8 TESLA, INC. dba TESLA)
9 MOTORS, INC.; CITISTAFF)
SOLUTIONS, INC.; WEST)
10 VALLEY STAFFING GROUP;)
CHARTWELL STAFFING)
SERVICES, INC.;)
11 NEXTSOURCE, INC.;)
DOES 1-50, inclusive,)

12 Defendants.)
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Volume III

DEPOSITION OF OWEN ORAPIO DIAZ, JR.

PAGES 293 THROUGH 441

SAN FRANCISCO, CALIFORNIA

JUNE 21, 2019

REPORTED BY: MICHAEL CUNDY, CSR 12271

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1	Mr. Diaz, do you recognize what this is?	10:16:58
2	A Yes.	10:17:02
3	Q <u>Is this a picture of the back -- of the front</u>	10:17:03
4	<u>and back of your -- a badge that you used when you</u>	10:17:07
5	<u>worked at Tesla?</u>	10:17:10
6	A No.	10:17:15
7	Q <u>What is this?</u>	10:17:15
8	A <u>A picture of front of the badge.</u>	10:17:16
9	Q Okay. And what's on page two?	10:17:21
10	A Picture of rear of the safety something or	10:17:24
11	another class that Tesla gave me.	10:17:32
12	Q Okay. So these were two different -- were	10:17:35
13	they two different badges that you had on your person	10:17:38
14	when you were working inside the Tesla factory?	10:17:41
15	A Yes.	10:17:44
16	Q Okay. And so the first one is a badge, and	10:17:45
17	the second is a safety badge, for lack of a better	10:17:48
18	word?	10:17:54
19	A Yes.	10:17:54
20	Q <u>Okay. And the first badge on page one, did</u>	10:17:57
21	<u>you wear this at all times while you worked at the</u>	10:18:01
22	<u>Tesla factory?</u>	10:18:07
23	A No.	10:18:10
24	Q <u>You did not?</u>	10:18:10
25	A <u>(No audible response.)</u>	10:18:12

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1 Q Okay. When would -- when would you need to
2 wear this when you worked at the Tesla factory?

3 A I didn't need to wear it. It was in my
4 wallet.

5 Q It was in your wallet, okay.

6 And do you see here on the side there's a
7 sticker that says, "Forklift Certified"? Under that,
8 there is some word written vertically, and it says
9 C-O- and then it ends with T-O-R.

10 Do you know what the full word there is?

11 A No.

12 Q Does a -- do you know if it's contractor?

13 MS. AVLONI: Calls for speculation.

14 THE WITNESS: Unfortunately, I'm not really
15 good at Wheel of Fortune.

16 BY MR. ARANEDA:

17 Q So you don't know what it says?

18 A No.

19 Q All right. Under that, it says, "Citistaff
20 Solutions Inc."

21 Do you know what that's supposed to -- why
22 "Citistaff Solutions Inc." is under your picture?

23 MS. AVLONI: Objection to the extent it calls
24 for speculation.

25 THE WITNESS: I don't know why they would do

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1 BY MR. ARANEDA:

10:37:12

2 Q After reporting Ramon Martinez for this
3 picture that he drew on the bale of cardboard in
4 January of 2016, did you ever have any other issues
5 with Mr. Martinez?

10:37:12

10:37:18

10:37:22

10:37:26

6 MS. AVLONI: Asked and answered.

10:37:27

7 THE WITNESS: Not that I can recall.

10:37:30

8 BY MR. ARANEDA:

10:37:32

9 Q Did you ever work with Mr. Martinez after you
10 complained about him drawing that picture on a bale of
11 cardboard?

10:37:32

10:37:36

10:37:40

12 MS. AVLONI: Asked and answered.

10:37:40

13 THE WITNESS: Not that I can recall.

10:37:46

14 BY MR. ARANEDA:

10:37:47

15 Q When you were -- when you saw this picture on
16 a bale of cardboard, what was your position?

10:37:47

10:37:50

17 A Elevator lead.

10:37:55

18 Q Okay. After reporting Ramon Martinez for
19 that incident in January 25 [sic] -- I mean -- strike
20 that -- in January 2016, for the picture on the bale
21 of incident {sic}, did your position at --

10:37:56

10:37:59

10:38:04

10:38:08

22 THE REPORTER: Can you rephrase -- can you
23 say that again?

10:38:16

10:38:16

24 MR. ARANEDA: Sure. I will start over.

10:38:16

25 \\\

10:38:16

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1 BY MR. ARANEDA:

11:17:51

2 Q Did he ever come back to work at Tesla after
3 security escorted him from the building?

11:17:51

11:17:55

4 A I don't know.

11:18:02

5 Q Did you ever work with Mr. Foster after
6 security escorted him from the building?

11:18:02

11:18:05

7 A No.

11:18:07

8 Q Do you know who decided to have security
9 escort Mr. Foster from the building?

11:18:10

11:18:14

10 A Ed Ramero.

11:18:16

11 Q And after this incident with Mr. Foster being
12 escorted from the building, your position as lead
13 elevator operator remained the same?

11:18:25

11:18:29

11:18:34

14 A I believe so, yes.

11:18:38

15 Q Your schedule as lead elevator operator
16 remained the same?

11:18:40

11:18:43

17 A I believe so, yes.

11:18:45

18 Q Your rate of pay until you got a raise later
19 remained the same; correct?

11:18:46

11:18:51

20 A I believe so, yes.

11:18:53

21 MR. ARANEDA: We've been going for a little
22 bit over an hour.

11:19:28

11:19:30

23 Do you guys want to take a five-minute break?

11:19:31

24 MS. AVLONI: How are you doing, Owen?

11:19:34

25 THE WITNESS: We can keep it going. I got to

11:19:36

Michael Cundy, CSR NO. 12271

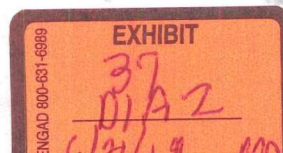


TESLA MOTORS



Forklift
Certified

CitiStaff Solutions Inc
Owen



TESLA SECURITY

In case of emergency dial **650-681-5500**
For non-emergencies dial **510-249-2555**

SITE ADDRESS

45500 Fremont Blvd.
Fremont, CA 94538

This card certifies that the
contractor has completed
the Tesla Contractor Safety
Orientation for this site.

Owen DIAZ

Contractor Name

Citi STAFF

Company Name

3 JUNE 2015

Date Issued